

## Virginia ABC related legislation as of March 12, 2008

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### **HB 548 Alcoholic mixed beverages; holder of license to sell and serve dessert wine.**

**Alcoholic beverage control; mixed beverage licenses.** Allows the holder of a limited mixed beverage restaurant license to sell and serve dessert wine, in addition to certain liqueurs, as a privilege of the license.

*Patron:* Nixon

03/03/08 Governor: Approved by Governor-Chapter 172 (effective 7/1/08)

### **HB 694 Alcoholic beverage control; wine and beer tastings by gourmet shop licensees.**

**Alcoholic beverage control; wine tastings by gourmet shop licensees.** Allows gourmet shop licensees to give samples of wine or beer at tastings sponsored by the licensee for its customers for on-premises consumption. Additionally, with the consent of the licensee, farm wineries, wineries, breweries, and wholesale licensees may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. The bill contains an emergency clause.

*Patrons:* Armstrong, Miller, J.H. and Toscano

03/03/08 Governor: Approved by Governor-Chapter 179 (effective 3/3/08)

### **HB 908 Alcoholic beverage control; operation of government stores on Sunday.**

**Alcoholic beverage control; operation of government stores; Sunday sales.** Allows ABC stores to be open in any city with a population of 100,000 or more. Since 2004, ABC stores may be open, at the discretion of the ABC Board, in the Counties of Fairfax, Arlington, Loudoun, and Prince William, and in the Cities of Alexandria, Fairfax City, Manassas, Manassas Park, Norfolk, and Virginia Beach. The bill would add the Cities of Portsmouth, Hampton, Newport News, Richmond, and Chesapeake.

*Patron:* Gear

03/02/08 Governor: Approved by Governor-Chapter 134 (effective 7/1/08)

## **HB 1075 Alcoholic beverage control; powers and duties of the Alcoholic Beverage Control Board.**

**Alcoholic beverage control; powers and duties of the Alcoholic Beverage Control Board generally; prohibited acts by licensees; exceptions.** Requires the ABC Board to adopt regulations allowing an on-premises licensee to reduce the length of any suspension or reduce the amount of any civil penalty if the licensee can demonstrate that it provided certified alcohol server training to its employees. The bill also authorizes an on-premises restaurant licensee to use alcoholic beverages that the licensee otherwise is authorized to purchase and possess for the purposes of preparing and selling for on-premises consumption food products with a final alcohol content of more than one-half of one percent by volume, as long as such food products are sold and consumed by persons who are 21 years of age or older. The bill provides that no ABC Board regulation may prohibit this. The bill prohibits a licensee from conducting a "happy hour" or related promotion at a licensed restaurant except during hours permitted by Board regulation. In addition, the ABC Board is prohibited from adopting regulations prohibiting any mixed beverage licensee from pre-mixing; either in a frozen drink dispenser of a type approved by the Board, or otherwise, mixed alcoholic beverages for purposes of sale and consumption on the licensed premises. The bill requires the ABC Board to adopt regulations providing for alternative methods for licensees to maintain and store business records that are subject to Board inspection, including methods for Board-approved electronic and off-site storage. The bill also defines the term "reasonable hours" for purposes of ABC Board inspection of retail licensee records. A mixed beverage licensee is authorized to mix wine, beer and spirits as an alcoholic beverage drink for a patron. The bill contains technical amendments. HB 862 and HB 1269 were incorporated into this bill.

*Patrons:* Suit, Ebbin and Eisenberg

03/04/08 House: Signed by Speaker

03/04/08 Senate: Signed by President

## **HB 1117 Alcoholic beverage control; suspension and revocation of licenses if meeting place of street gang.**

**Alcoholic beverage control; suspension and revocation of licenses.** Permits the revocation of a license if the licensee has allowed his premises to become a meeting place or rendezvous for members of a criminal street gang, as defined in § 18.2-46.1.

*Patron:* Miller, P.J.

03/03/08 Governor: Approved by Governor-Chapter 185 (effective 7/1/08)

## **HB 1132 Wine and beer; City of Roanoke can obtain retail on-premises licenses for outdoor amphitheaters.**

**Alcoholic beverage control; wine and beer licenses.** Adds the City of Roanoke to the list of locations where food concessions at outdoor amphitheaters, etc. having a seating capacity of more than 3,500 can obtain retail on-premises wine and beer licenses.

*Patron:* Fralin

03/03/08 Governor: Approved by Governor-Chapter 186 (effective 7/1/08)

## **HB 1171 Alcoholic mixed beverages; grounds for suspension, etc. of license if obscene material upon premise.**

**Alcoholic beverage control; prohibited acts; grounds for suspension or revocation of license; exceptions.** Removes the authority of the Alcoholic Beverage Control Board to revoke or suspend a license if an establishment has allowed noisy, lewd, or disorderly conduct upon the licensed premises. The bill clarifies that the Board may revoke or suspend a license if a licensee allows obscene literature, pictures or materials upon the licensed premises. The Board may also revoke a license if the licensee allows any striptease act or any person connected with the licensed business to appear nude or partially nude unless the licensee is operating a theatre, concert hall, art center, museum, or similar establishment that is devoted primarily to the arts or theatrical performances, when the performances are expressing matters of serious literary, artistic, scientific, or political value. For a mixed beverage licensee, the Board may revoke or suspend the license if the licensee allows entertainment of an obscene nature, strip teasing, topless entertaining, or entertainment that has employees who are not clad both above and below the waist unless the licensee is operating a theatre, concert hall, art center, museum, or similar establishment that is devoted primarily to the arts or theatrical performances, when the performances are expressing matters of serious literary, artistic, scientific, or political value.

*Patron:* Cosgrove

03/07/08 House: Conference report agreed to by House (94-Y 2-N)

03/08/08 Senate: Conference report agreed to by Senate (38-Y 0-N)

## **HB 1239 Gourmet shop licenses; licensee shall maintain certain amount of cheeses and gourmet food monthly.**

**Beer and wine licensure qualifications.** Requires gourmet shop licensees to maintain each year an average monthly inventory and sales volume of at least \$1,000 in cheeses and gourmet food.

*Patrons:* Saxman and Miller, J.H.

03/03/08 Governor: Approved by Governor-Chapter 192 (effective 7/1/08)

## **HB 1399 Alcoholic beverage control; farm wineries.**

**Alcoholic beverage control; farm wineries.** Permits farm wineries to receive deliveries and shipments of wine not manufactured by the farm winery and sell and deliver or ship this wine to the Board or wholesale licensees for the purpose of resale. The bill also clarifies the definition of farm.

*Patron:* Scott, E.T.

03/03/08 Governor: Approved by Governor-Chapter 194 (effective 7/1/08)

## **HB 1442 Ignition interlock limitations; persons with restricted license not to operate certain vehicles.**

**DUI ignition interlock limitations.** Requires the implementation of ignition interlock for a violation of the conditions of a restricted license. The bill has an effective date of October 1, 2008.

*Patron:* Iaquinto

03/08/08 House: Passed House and Senate (HB1442ER)

## **HB 1502 Alcoholic beverage control; canal boat operator license created.**

**Alcoholic beverage control; canal boat operator license.** Creates a canal boat operator license, sets the privileges of this new license, and sets the applicable state and local license tax. The bill defines canal boat operator.

*Patron:* Loupassi

03/03/08 Governor: Approved by Governor-Chapter 198 (effective 7/1/08)

## **HB 1562 Alcoholic beverage control; allows transfer of ABC license for purchaser of a licensed premises.**

**Alcoholic beverage control; transfer of licenses.** Allows for the transfer of an ABC license upon application by a bona fide purchaser of a licensed premises under certain conditions. Bona fide purchasers whose license transfer application is granted by the Board shall, at the time for renewal of the license, meet all of the requirements for initial licensure. The bill provides that the ABC Board may not grant a license transfer to an applicant against whom there is pending in the courts or before the Board a charge for violation of the provisions of Title 4.1 or Board regulations. Additionally, the Board may refuse to grant a license transfer for such causes as are specified in § 4.1-222.

*Patrons:* Scott, J.M. and Hall

03/07/08 Governor: Approved by Governor-Chapter 453 (effective 7/1/08)

## **SB 198 Alcoholic beverage control; operation of government stores.**

**Alcoholic beverage control; operation of government stores.** Allows certain holders of a distiller's license, appointed as agents of the ABC Board, to also sell alcoholic beverages produced on the licensed premises. Currently, the alcoholic beverages must be manufactured by the licensees. The bill contains an emergency clause.

*Patron:* Puller

03/05/08 House: Signed by Speaker

03/06/08 Senate: Signed by President

## **SB 476 Concealed handguns; prohibits person from carrying into a restaurant.**

**Concealed handguns; restaurants; penalty.** Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises. A person who carries a concealed handgun onto the premises of a restaurant or club shall inform a designated employee of the restaurant or club of that fact. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor and a person who becomes intoxicated in violation of the provisions of the bill is guilty of a Class 1 misdemeanor.

*Patron:* Hanger

03/04/08 Governor: Vetoed by Governor

03/05/08 Senate: Motion to pass in enrolled form rejected (22-Y 18-N)

03/05/08 Senate: Senate sustained Governor's veto

## **SB 584 Alcoholic beverage control; prohibits certain acts by licensees, exceptions for sangria.**

**Alcoholic beverage control; prohibited acts by licensees; exceptions.** Allows a mixed beverage licensee to make sangria. The bill defines sangria and provides that a mixed beverage licensee is prohibited from pre-mixing containers of sangria to be served and sold in pitchers for consumption on the licensed premises. The bill also provides a mixed beverage licensee may (i) make sangria that contains brandy, triple sec, or other similar spirits, (ii) combine beer or spirits, or both, with wine pursuant to a patron's order, or (iii) combine wine or spirits, or both, with beer pursuant to a patron's order.

*Patron:* Ticer

03/08/08 Senate: Bill passed Senate and House (SB584ER)

## **SB 618 Petit larceny; person who is convicted for second time must undergo substance abuse screening.**

**Petit larceny; substance abuse.** Provides that a person who is convicted for the second time of petit larceny must undergo substance abuse screening as part of the sentence if the sentence includes probation supervision by a community-based probation services agency.

*Patron:* Stolle

03/08/08 Senate: Bill passed Senate and House (SB618ER)

## **SB 635 Alcoholic beverage control; alcohol content in prepared foods.**

**Alcoholic beverage control; alcohol content in prepared foods.** Prohibits licensees from keeping any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage and (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such wine. The bill also prohibits the Alcoholic Beverage Control Board from prohibiting an on-premises restaurant licensee from using alcoholic beverages that the licensee otherwise is authorized to purchase and possess for the purposes of preparing and selling for on-premises consumption food products with a final alcohol content of more than one-half of one percent by volume, as long as such food products are sold and consumed by persons who are 21 years of age or older.

*Patron:* Ticer

03/05/08 House: Signed by Speaker

03/06/08 Senate: Signed by President

## **SB 669 Alcoholic beverage control; ABC agents check national criminal database for background checks.**

**Alcoholic beverage control; application for licenses; criminal history checks.** Permits ABC agents to check the national criminal database when conducting background checks on prospective licensees. The bill also increases the fee that an applicant for an ABC license has to pay for a national criminal history check through the FBI or CCRE from \$20 to the actual cost of those criminal history checks.

*Patron:* Deeds

03/08/08 Senate: Bill passed Senate and House (SB669ER))

**The full text of each bill and the associated votes may be found at:**

**<http://leg1.state.va.us/cgi-bin/legp504.exe?081+men+BIL>**